

## **REMARKS**

Claims 1 and 25 have been amended to (a) incorporate the requirements of claims 11 and 32 respectively and (b) specify the skin treatment composition as being in as the form of a flowable liquid. See, for example, the specification at page 2, last full paragraph ("An object of the present invention is to provide compositions for use in liquid contact applicators, especially porous dome applicators. The compositions of the present invention have good flow characteristics in such applicators and are not irritating to the user".) and page 12, last full paragraph ("The compositions of the present invention may be produced by conventional processes for making liquid cosmetic compositions."). Additionally, claim 25 has been amended to incorporated the requirements of claim 26. Claims 11, 26 and 32 are cancelled without prejudice.

In view of the amendments set forth above and the comments that follow, reconsideration and allowance of the subject claims as hereby amended is respectfully requested.

Claims 1-44 stand rejected under 35 U.S.C. 102(b) as anticipated by Girardot et al. (U.S. 6,325,565). Girardot et al. is directed to an applicator that comprises:

...a substantially planar sheet of compressible, conformable material having opposite first and second surfaces and an interior region between said first and second surfaces... The applicator further includes at least one discrete reservoir extending inwardly of the first surface into the interior of the sheet of material which is at least partially filled with a substance and at least one discrete aperture formed in the first surface which is in fluid communication with the reservoir. Compression of the sheet of material via an externally – applied force substantially normal to said first surface expresses product from the aperture and translational motion of the first surface relative to a target surface applies and distributes said product onto said target surface. See column 2, lines 4 to 20. Emphasis added.

Thus, Girardot et al. is directed to an applicator that comprises a pad-like structure that contains, in the interior region thereof, a reservoir and, on its application surface, one or more apertures partially filled with the substance to be dispensed. When the

pad is compressed, material is forced from the reservoir through the apertures to the pad surface.

In contrast to the low viscosity flowable liquid of the subject claims, the antiperspirant/deodorant composition dispensed by Girardot et al is a cream. See column 11, lines 28 to 32 and column 24, lines 21 to 34.

The antiperspirant and deodorant substances for use in the applicator of the present invention are non-flowing compositions which are intended for topical application to the underarm or other suitable area of the skin....

The delta stress value of the antiperspirant cream composition from about  $\text{dyne/cm}^2$  to about is  $8,000 \text{ dyne/cm}^2$ ... The delta stress values, therefore, recited herein provide for a smooth creamy product that shows minimal or no solvent syneresis, spreads, uniformly over the skin, and spreads especially well over and through hairy areas of the skin

While some of the cream components may be low viscosity liquids, the viscosity range of less than about 100,000 centistokes, more preferably less than about 500 centistokes, even more preferably from about 1 to about 50 centistokes, and most preferably from about 1 centistokes to about 20 centistokes, recited at column 18, lines 59 to 64 is the viscosity of modified silicone carrier component not the final composition. Additionally, the compositions incorporate suspending or thickening agent "to help provide the compositions with the desired viscosity or product hardness, or to otherwise help suspend any dispersed solids or liquids within the compositions." See column 14, lines 49 to 54.

There is nothing in Girardot et al. that discloses or suggests the very, very low viscosity antiperspirant/deodorant composition described by the amended claims.<sup>1</sup>

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<sup>1</sup> In column 10, in the paragraph entitled "Representative composition: Girardot et al. states:

In the present invention the term "substance" can mean a flowable substance which is substantially non-flowing prior to delivery to a target surface. "Substance" can also mean a material which doesn't flow at all, such as a fibrous or interlocking material. "Substance" may mean a fluid or a solid. "Substance" is defined in this invention as any material capable of being held in open three-dimensional recesses of the applicator material in the absence of external forces other than gravity... Adhesives, electrostatics mechanical interlocking, capillary attraction, surfaces absorption, Van der Waals forces and friction, for example may be used to hold the substances in the apertures and/or reservoirs. The substances are intended to be at least partially related therefrom when exposed to contact with external surfaces when the applicator is subjected to external "applied compressive forces. Of current interest in the present invention include substances such as gels, pastes, creams, lotions, foams, powders, agglomerated particles, prills, microencapsulated liquids, waxes, suspensions, liquids and combinations thereof.

While liquids are product forms potentially encompassed by Girardot et al. (which extends to a variety of products, not just antiperspirants and deodorants) (1) this form **is not** disclosed for antiperspirant/deodorant compositions which are described as creams and (2) there is no disclosure of the **very, very low viscosity** liquid compositions of the subject application (viscosity less than 30 centipoise). In particular, the rheological characteristics of the subject compositions would not be amenable for use in Girardot et al., their thin water-like consistency having the potential to run and leak out of the surface apertures of the applicator pad therein described. Nor is there any discussion in the cited patent of a composition that combines both low viscosity and low contact angle. Contact angle is an indirect measure of surface tension and material spreadability. The claimed compositions have a sufficiently low contact angle (surface tension) to spread well, combined with a viscosity so low as to be almost water-like in their consistency.

Accordingly, it is respectfully submitted that Girardot et al. fails to disclose or render obvious the subject compositions. In light of the above amendments and remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



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The spaces in the three dimensional structure of the present invention are normally open, therefore it is desirable to have substances stay in place and not run out of the structure without an activation step.